WILMINGTON, N. C.

FRIDAY, MARCH 13, 1869 North Carolina and the Forty-First

Congress. Senators Abbott and Pool, and Representatives Cobb, Heaton, Dockery, De-WEESE, LASH, SHOBER and JONES, were present and answered to their names upon the organization of their respective Houses on the 4th inst. Mr. SHOBER took no part in the subsequent proceedings, being unable to take the test-oath. On the 5th instant, Mr. Boyden filed notice of his intention to contest Mr. Shoben's seat. The papers were referred to the committee on Elections.

in the city, and we suppose will contest JONES.

A. T. Stewart and the Cabinet.

The following is the eighth section of the Act of Congress, approved September 2d, 1789, referred to in the message of President Grant to the Senate in regard to the nomination of A. T. Stewart as Secretary

or purchase by himself, or another in trust for him, any public lands or other public property, or be concerned in the purchase or disposal of any public securities of any State, or of the United States, or take or apply to his own use than what shall be allowed by law; and if any person shall offend against any of the prohibitions of this act he shall be deemed guilty of a high misdemeanor, and forfeit to the United States the penalty of three thousand dollars, and shall, upon conviction, be removed from office and forever thereafter be incapable of holding any office under the United States: Provided, That if any other person than a public prosecutor shall give information of any such offence upon which a prosecution and conviction shall be had, one half of said penalty of \$3,000, when recovered,

Immigration.

We have been handed the following letter for publication. It will be found of much pated by a letter in the Goldsboro' Messenger, extracts from which we published:

Horgen, Switzerland, Feb. 2d, 1869. MR. P. MURPHY-Dear Sir: Your letter dated the 31st of December has been received and contents noted. In regard to our success in filling our mission I am pleased to report that I think we are doing very well, as we now have quite a number of families engaged. Since corresponding and conversing with the agents of several steamship and sail vessel lines-although the sail vessels propose to carry emigrants cheaper than | was incapable. the steamers-we have concluded to send the first lot by the steamer to New York, for the following

1st. About two-thirds of the emigrants object to going on a sail vessel, as it would take from steamers generally make it in twelve or fourteen

days.

2d. The emigrants say they had rather be at work on our farms for nothing than to be drifting about in a sail vessel so long with their families, all deing nothing. 3d. The most of them are able and will pay

their ocean passage themselves.

4th. I think their wishes ought to be gratified as much as possible in the start. 5th. It would take us some time to get up enough to justify us in chartering a vessel, and as some get ready to start much sooner than their families, all doing nothing. I think it best, as it is now getting late in the season, to forward them in lots of from fifty to one hundred, as fast as they get ready. We expect to start the first lot from Zurich on the 28th of this month, and they will leave Havre for New York on the 4th of destiny. March. I think there will be over one hundred in the first lot, men, women, and children of all ages. Mr. Truch speaks of going with them.
I have made arrangements with the Messre. R.
H. Allen & Co., of New York, to forward them to North Carolina by the cheapest route.

Respectfully yours, &c , Wm. F. ATKINSON.

President GRANT's inaugural and his Cabinet officers are in strict keeping with house was insured for \$4,000. his political history since his nomination by his friends, and probably added some- good. thing to his strength. His silence now is not so keenly relished by these same friends. His inaugural was received by the Radical leaders rather with negative than positive applause, but then they expected his policy would be shown in the formation of his Cabinet. It would be the thirty-seven States of the Union, for this family quarrel. In making the followimpossible for him to hide his sentiments reserve. Already, as the day of inauguration approached, the leaders became a little restive, and their uneasiness was manifested by the increasing pertinacity with which they persisted in their refusal to repeal the Tenure-of-Office Act, and keeping his own councils while a candidate had now become a most "rascally virtue" when these Rebublican Warwicks were denied the confidence of their future President. Scarcely an intimation of any recommendations of the forth-coming inaugural, and barely a name of the Cabinet found their way into the newspapers, and dence of the President elect.

political tendencies of the new administration. The uncertainty which had surrounded the opinions and probable course of the successful candidate was made even more so by the stolid unmeaningness of of affairs in the South, but it will legalize the political utterances of the President. an outrage that has been forced upon us All eyes turned, then, to the complexion by the exercise of illegal power. of the Cabinet, and its announcement produced such unusual excitement that the proceedings of Congress were temporarily be depriving the States of all power over of Dr. William Sloan, as Treasurer. It suspended by the great confusion which it the question of suffrage, which theoreticaused. If the happy conception of the artist who made the curtains in rear of the presiding officer of the Chicago Convention to withdraw just at the moment when GRANT'S nomination was announced, ex- force in the Northern States, and its full posing to admiring and enthusiastic gaze the life-like features of their candidate, platform upon which General Grant was learn that Governor Holden, in order to with the magic words "MATCH HIM" bidding defiance to all opposition, could have transferred to Congress, and this grave is unshaken by the partisan efforts been repeated, with slight variations to suit the altered times and circumstances, managers. Citizens will be disfranchised, BATTLE, to implicate his former Treasthe effect would have been as great if not as they have been in Tennessee, to suit the urer in an ugly cotton speculation, so highly appreciated. At least we could necessities of the party in authority, and well imagine the form of the stern warrior the few remaining rights yet permitted to standing behind the Speaker's chair, his the States will perish under the influence Railroad. With the certainty of the aphands clenched over his closed lips with of the power thus granted to Congress. the single word "MUM" printed in distinct letters above him.

he served in the Senate, but his appoint- course through conscientious and patriotic Not that the firm would require them laughing stock."

ment seems to have given but little satisfaction to the Southern "loyalists," whom he is supposed to represent. A Breckin ridge Democrat in the Presidential contest of 1860, he may make a violent partizan, as new converts generally prove the sincerity of their course by a bitter and unreasonable opposition to former friends Jersey, Delaware, Maryland, Ohio, Ken-

more and care much more about the comno other political history than as Governor of Ohio for one term, declining to run again. He was offered the position of Sec- suffrage that we very much doubt if party We notice that Hon. Plato Durham is compromise with the Senate in the Stan- of President Grant, can force the obnoxton matter, and his whole course, military lovs measure through. And if attempted, the seat which has been given to Mr. and civil, has been one which has won for we doubt not that the example of the him the regard of moderate men. Judge Democratic members of the Indiana Le-HOAR has never been in politics—is a law- gislature will be followed in order that the the Supreme Court of Massachusetts.

themselves to assist President GRANT in for in the election of General GRANT this administering the affairs of the country, matter was not endorsed, but upon the they certainly are not persons calculated contrary the Radical National Convention And be it further enacted, That no person appointed to any office instituted by this act shall, directly or indirectly, be concerned or interested in carrying on the business of trade or commerce, or be owner, in whole or in part, of any sea vessel, ister. Hardly one of them could in any their platform, as follows: sense be regarded as a representative man, and we are not surprised that indignant Senators should sneeringly ask "who is any emolument or gain for negotiating or trans-acting any business in the said Department, other Secretary of the Navy, or that Judge HOAR's appointment should be received by such chronic politicians as Senators SUMNER and Wilson, from his own State, with scornful

concerned President Grant has concealed his opinions in the appointment of his views. shall be for the use of the person giving such in Cabinet officers and in the utterances of his inaugural as completely as he did in his silence previous to his entrance into office. So far as his personal prejudices extend the President has given quick and interest, though the facts have been antici- forcible expression thereto. In the promotion of Sheridan and his return to Louisiana, in the assignment of General HANCOCK to Dacotah, the return of GILLEM to his regiment, and the selections of Generals CANBY, TERRY, and REYNOLDS for important and pleasant commands, in such hot haste, display personal partialities and animosities of which we had hoped he

We will overlook his partialities and prejudices, and shall not quarrel if he continues mum in his political opinions, and five to seven weeks to make the voyage, while the | if he will only act up to his promise in meeting the questions which will come before him for settlement during the next four years by approaching them "calmly, without prejudice, hate or sectional pride, remembering that the greatest good to the greatest number is the object to be attained," he will add a brighter crown than any yet worn by him, and leave a name of which others, and are unwilling to remain here idle with his children and his children's children will have cause to be proud. He has it in his power to reunite this distracted country and make it one in sentiment as it is in

Fire in Goldsboro'.

boro', was destroyed by fire Sunday last. The greater portion of the furniture was saved. The fire was caused by one of the chimneys of the residence. The

at Chicago. His silence during the canvass and his family in this disaster, and was considered a master stroke of strategy trust that his loss may be speedily made

The Fifteenth Amendment

Six or seven States, including North Carolina, have thus far ratified the proposed Fifteenth Amendment to the Constitution of the United States. It will require the ratification of twenty-eight of this purpose, before it becomes part and parcel of the Constitution. This amendment reads as follows :

Be it resolved (two-thirds of both Houses concurring), That the following amendment to the Constitution of the United States be submitted to the Legislatures of the several States, and when GRANT's highly commended prudence in ratified by three-fourths thereof it shall be a part

ARTICLE 15. The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State, on account of race, color or previous condition of self. Section 2. The Congress shall have power to

enforce this article by appropriate legislation. As a mere question of party politics we can surely have no objection to the adopnot one person was taken into the confi- has already been forced upon the Southern has developed a latent desire to give some North. Yet, as a matter of principle, we regard it not only as objectionable, but dangerous to the welfare of the country.

> still, to this proposed amendment. It will suggest to the Board of Directors the name cally belongs to the States under the Constitution, and confers it upon Congress, them on their feet again. This right, of which the South has been violently deprived, is yet exercised in full power claimed for them in the Radical elected to the Presidency. Let it once be show that his confidence in Dr. Sloan question will become the foot-ball of party of Governor Worth and Treasurer

We can well appreciate the motives of have accepted the amendments to the those gentlemen whose political record is Charter, we understand that Dr. Sloan is With the exception of WASHBURNE, who against the Reconstruction measures of to be a candidate for the Presidency, with is the most intimate friend of the Presi- Congress in this State and elsewhere, who most flattering prospects for success. We dent, there is not a man of a positive polit- recorded their votes in the Legislature in desire in this event, also to recommend A. ical record among those who form the new favor of this measure, and while we believe J. Jones as Treasurer of this Company .-Cabinet. Mr. CRESSWELL, indeed, may they have made a mistake, we feel confi- We think the firm of "Jones & Co." could

while we regret their actions.

ment will be ratified by the requisite number of States. Ten will suffice to reject .-Of these the Legislatures of seven are certain to refuse their assent, to wit : New tucky, California and Oregon. To get the Messrs. Stewart and Borie are both other three we regard the action in the wealthy merchants with Democratic and following States as extremely doubtful, conservative tendencies, who know much viz: Connecticut, New York, Pennsylvania Indiana, Missouri and Georgia. The mercial history and prosperity of the coun- Legislatures of all these latter States, postry than of its politics. General Cox has sibly with the exception of Georgia, are Radical, but the people have so recently and so emphatically repudiated negro retary of War by President Johnson as a discipline, and even the recommendation yer of ability and has served as Judge of people at least may vote upon the question before it is acted upon by the Legislatures. However able these men may prove It seems this course would be proper,

Second.-The guarantee by Congress of equal suffrage to all loyal men at the South was demanded by every consideration of public safety, of gratitude, and of justice, and must be maintained, while the question of suffrage in all the loyal States properly belongs to the people of

If the people of the North have changed their views since the endorsement of this resolution, time at least should be given them to so declare at the ballot-box, before So far as his future political course is the matter is decided for them by men elected to carry out the exact opposite

> There must be some limit to the present revolution in politics or the country must perish in the storm. It may be that this amendment may prove to be the barrier which will check it. If not, Amendment Sixteen, conferring upon all citizens the right to hold office, which indeed was incorporated in the present one, but was emergency. defeated by the prudent conservatism of the suffrage will follow apace, and there will be no end to the encroachments upon the conservative features of the Constitution, and the ship of State will be left to drift about without compass or helm at the mercy of the wind and waves.

As to General Stoneman's successor, we are assured that he is a gentleman who stood high n the old army with Southern officers; and we believe in his Southern administration he has acted in a spirit of kindness, fairness and liberality. We are inclined to the opinion that the people of Virginia may congratulate themselves in having im rather than some one rise. Richmond Enquirer,

Our generally well posted cotemporary certainly could not have been a close observer of General CANDY's conduct in the administration of this Military District, nor have read the manly letters of ex-Governor WORTH to President Johnson and to General CANBY, which we have recently published, for we know that paper is too honest to court the favor of any official by giving credit where none is due. There has been no Military Commander in the South who showed his bitter partisanship more maglignantly. There was something to admire in the boldness and audacity with which Generals SHERIDAN and SICKLES displayed their hatred to the Southern people, but even this was not characteristic of the We extend our sympathies to Mr. Strong administration of CANBY. We hope our neighbors will not suffer by the change, for Virginia and her noble people have a

strong hold on our affections. " Jones & Co." There seems to be some feeling between the native and carpet-bag factions of the Radical party as to which shall have the lion's share in the division of spoils. The poor negro is not much thought about in we suppose Virginia, Mississippi and ing suggestions we do not wish to be unthe carpet-bag faction. But we do not wish to be behind "our" Governor in acknowledging and rewarding talent among our fellow-citizens, even if some of our Northern friends are deprived of some of the legitimate fruits of their political labors. Besides we desire to promote native talent when we know it has been unfortunate, and requires only a favorable opportunity to display it-

Now, Governor Holden, who has generally favored the carpet-bag faction in the distribution of offices to control North Carolina railroads, as evidence Abbott, tion of this amendment. Negro suffrage Estes, Laflin, Littlefield, Byrnes, et cetera, other administrations.

To illustrate: Having appointed A. J. Jones, of the former luckless firm of Its adoption does not alter the condition "Jones & Co.," Cotton Brokers, a Director Grant's Cabinet. of the Fayetteville and Western Railroad. we learn he is an aspirant for the Presidency, with favorable prospects for suc-But there is a more serious objection, cess. In case he is elected, we modestly would be a comfortable way to revive the fallen fortunes of the firm and place

To make assurance doubly sure, and to

show our disinterested friendship for na-

tive worth and talent, we have one other recommendation to submit. We further will appoint that individual a Director of the Wilmington, Charlotte and Rutherford pointment as soon as the stockholders shall

motives. We respect their intentions both, but there is no telling what might happen, and, like Mrs. Toodles' crutches, We think it very doubtful if the amend- "It would be very handy to have them in the house." What says "our" Governor

GENERAL GRANT'S CABINET.

OPINIONS OF THE NEW YORK PRESS.

From the World (Dem.) Take it all in all, the new Cabinet is only hypothesis by which we can explain to be the candidate of the Republican party for a second term, and will tolerate in his Cabinet no statesman from whom he

would have anything to fear as a rival. From the Herald (Independent.) President Grant has not chosen to have set of politicians around him, who might assume the right to chalk out his policy, as in the case of Pierce; or set themselves up as his masters, as in the case of Buchanan; or who would be likely to raise a hornet's nest about his ears in their plots and counterplots for the succession, as in the case of Lincoln. On the contrary, we see in this new Cabinet that Grant has given the managing Republican politicians a wide berth: that he has chosen his men for business and as his subordinates, and with not the remotest idea that they are to be his masters or his coequals in the administration. He has utterly ignored the Cabinet theory of McClure, and has selected his men as his friends, his assistants and his secretaries, and each mainly in reference to the special duties of his department. From the Journal of Commerce (Ind.)

The President has fully vindicated his prediction that the nominations would take the country by surprise. Never before partments are the only prominent party such disability." men on the list. This is but two out of seven, a small proportion to satisfy the horde of hungry expectants who are wait every reason to be proud of her position in Constitution of the United States. the Cabinet. Financial questions will be From the Times (Rep.)

The Cabinet appointed by General Grant resterday took everybody by surprise .-Nothing can illustrate more clearly how his own counsel than the fact that not one of the names most commonly mentioned one selected. The Cabinet is eminently and evidently one of the President's own selection. He has appointed the men who because they suited somebody else. They are not taken from the class of prominent politicans of any school or of any party.-They are all Republicans of pronounced views, and both active and effective in political affairs; but it is not as politicans that they have made their mark or evinced the qualities that caused their appointment to high office. Yet political experience is by no means wanting in the Cabinet. Several of its members have seen already a good deal of public life, and have vindicated their claim to public confidence by the ability and fidelity with which they have met its responsibilities and performed its duties.

From the Evening Post, (Rep.) For ourselves, we are content to hold the President responsible for his Cabinet, to put them to the best use; to change them if they do not answer, and to see that they serve the nation properly. The responsioility is, after all, upon him.

From the Tribune, (Rad) Mr. Greeley, now in the city of Washington, telegraphs as follows in reference to the new Cabinet: The new Cabinet means business emphatically. Each man was chosen by General Grant expressly to aid him in carrying out the programme of economy and integrity embodied in the

This is a working and not an ornamental Cabinet. It contains a great deal of business faculty, and comparatively little experience in the art and science of politics. We may be sure of one thing, however, and that is that there will be no conflict either of views or of ambition between its members and their chief. Having tried several Cabinets made up in a great measure of rival candidates for the Presidency, the country is indebted to kind of material is not included.

From the Evening Express. SECRETARY SEWARD'S OPINION. Hop. W. H. Seward, ex-Secretary of State, arrived in this city this afternoon. having remained last night at Trenton. -He was accompanied by ex-Postmaster Wakeman, Postmaster Kelly, ex-Postmaster General Randall, ex Senator Morgan and A. Goodrich of St. Paul, Minu., all take an oath to support the Constitution of until Saturday morning, in order that "the of whom are staying at the Astor House .- | the State and of the United States ? Un- hands " might attend Wyman's perform-Mr. Seward occupies rooms 32 and 33, questionably it does. "Every member of ance at Tucker Hall. According to the was dispensed with. which have been besieged this morning the General Assembly, and every person rules, the Legislature must meet every by visitors in anticipation of his arrival. people, and they could possibly have no of his unfortunate North Carolina friends assure you that I have no opinions to give, tion of the State. And the fifth section re- ness for the funny and the curious. Wy- reached the door of this Hall in less than The inaugural threw no light upon the objection to see it forced upon those of the a chance to retrieve their bad luck under nor do I think that, under the circum- quires that they shall also take an oath to man, be it remembered, distributes prizes, stances, it would be either right or proper support the Constitution of the United

> HOW THE CABINET NEWS WAS RECEIVED IN CALIFORNIA. SAN FRANCISCO, March 6 .- There is general disappointment with Gen. Grant's Cabinet, and doubts are expressed as to its

RECEPTION OF THE CABINET NEWS IN DETROIT. Detroit, March 6. - The Tribune, speaking of the Cabinet appointments, confesses to some disappointment, and says that, taking it altogether, the Cabinet is not strong. It thinks there will be changes for the county, Trustee for the county. -The Post says "the Cabinet does not

strike us as one to command, at the outset, the unqualified confidence of the country." It thinks that the selection of Washburne indicates a vigorous, plain-spoken, thoroughly American foreign policy.
The Free Press says: "There is not a first-class man among them, and not one who could have received the support of in the rebellion?

his party at home for the place he has been selected to fill. "Perley," in his dispatch to the Boston personal service, or by contributions other since our last report : Journal speaking of the inauguration ball,

It is agreed by the ladies that Mrs. Governor Morgan's diamonds were the finest jewels worn : that Mrs. John Morrissey wore the most elegant toilette; that Mrs. Colfax looked sweetly in pink satin with a tulle overskirt, that Mrs. Julia Ward magnificent; that Horace Greeley looked like a martyr as he escorted his daughter through the parade in print; that the Diplomatic Corps appeared astonished; and that Madame Doctor Walker, in a ridiculous bloomer dress was a strangth of the argument the Pelaigh Stranger of the argument the have taken some position in the few years dent that they have been led into this run both roads for their own advantage. Walker, in a ridiculous bloomer dress was a

From the Raleigh Standard. WHO ARE BANNED.

to these propositions? And what say the DECISION OF THE SUPREME COURT OF NORTH CAROLINA. to be a difference in the sense?

OPINION OF JUSTICE READE

IN THE CASE OF WORTHY VS. BERRET, ET. AL

It is insisted on for the petitioner that the County Commissioners of Moore coun-'fearfully and wonderfully made." The ty have no power to inquire as to his quali. are mere placemen. None of their emfications; that their duty is to administer ployes are required to take an oath to its formation is, that General Grant means to him the oath prescribed by law, and to support the Constitution of the State, or receive his bond; that this duty is merely of the United States, and no oath of office ministerial and involves the exercise of no discretion; and that the court will enforce | Code, Chap. Oaths, nor elsewhere, so far the petitioner's right to hold the office, to be tested by proceeding under a quo warif it be clear that they did right.

Our statute provides that "no person particular duty required. prohibited from holding office by section third, of the amendment to the Constitution to the United States, known as article Fourteen, shall qualify under this act, or chapter 1, section 8.

The Fourteenth article of the Constitution of the United States, section 3, is as

"No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having Congress, or as any officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer since the formation of the Government has of any State, to support the Constitution so large a portion of these appointments of the United States, shall have engaged been composed of those not previously in insurrection or rebellion against the named for the office. As a whole, the Cab- same, or given aid and comfort to the eneinet will disappoint the politicians. The mies thereof. But Congress may by a nominees for the State and Interior De- vote of two-thirds of each House, remove

"Senators and Representatives in Congress, members of the State Legislatures, and all executive and judicial officers, both ing for party favors. The masses of the of the States and of the United States, shall people, irrespective of party, will regard be bound by oath or affirmation to support the list with more favor. New York has this Constitution." Article 6, section 3,

The petitioner was a sheriff before and the most important that can come before during the rebellion, and the question is, the country, and the Secretary, we be- whether he is disqualified from holding lieve, will prove himself equal to the the office of sheriff now by reason of the 3d section, 14th article, Constitution of the rived at the conclusion that they are sub-United States, supra.

The government of the United States is divided into three branches-Legislative, perfectly Grant has succeeded in keeping make one whole. There is no other part Executive and Judicial. These three parts

for any Cabinet position proved to be the the government that is not in one of these departments. There can be no officer except he be the incumbent of an office therefore there can be no officer except he compose it, because they suited him—not be in some office in one of these departments. If he is in office in the Legislative lawyers." department, then he is a legislative officer; if in the Executive, he is an executive officer; and if the Judicial, he is a judicial

But note: it is not every one who is of these departments that is an officer. Every officer is of these departments, but not vice versa. Members of the Legislature are not officers. Their's are places of trust or profis, but not offices of trust or profit. So in the other departments: as in the Judicial, we have judges, sheriffs, clerks, &c., who are officers; and jurors, commissioners, &c., who are placemen. Nor is this a distinction without a difference, for our statute speaks distinctively of offices of trust or profit, and of places of trust or profit. (Revised Code, chap. 77, sec. 1). And the fourth section of the same is as follows:

"Every officer and other person, who may be required to take an oath of office, or an oath for the discharge of any duty imposed on him, and also the oath appoinprofit in the State, shall," &c., &c., which inhuman child murder reached us. shows that every person who is called upon to perform public duties, and take an sarily an officer.

Let us consider: with us, in public offices, oaths to support | dog.

-as in the case of Jurors, Commissioners, | calaboose in this place. &c. - and takes no oath to support the Constitution of the State or of the United

to do so; if you say anything in your paper States.

be pleased to say that Mr. Seward expresand of the United States.

Attorney General, State and County Solicitors, Clerk and Master in Equity, Clerk of the Superior Court, Clerk of the County Court, Comptroller, Constable, Coroner, Court, Judge of the Superior Court, Justices of the Peace, Public Treasurer, Ranadded Mayors of towns and cities, upon whom are cast magisterial duties.

Any person who held any of these offices before the rebellion, and then engaged in the rebellion, is prohibited from holding office until relieved by Congress. 3. What will amount to having engaged

(1.) Holding any of these offices under the Confederate government.

than charitable of anything that was use-4. Members of the Legislature are also excluded from office although they are not officers by the express terms of the Four-teenth Article. But the clerks and other teenth Article. But the clerks are the country than the clerks are the clerks and the clerks are the clerks are the clerks and the clerks are the clerks ar satin with a tulle overskirt, that Mrs. Julia Ward Howe was more noticed than any other lady present; that the laces of Madame St. Andre were magnificent; that Horace Greeley looked like a teenth Article. But the clerks and other Perquimans county; Bisha N Riddick, operations of Title Perquimans county; Wm B Day, Hertford county; B F Pitt, By the the same teenth Article. But the clerks and other ded. And thence an argument is drawn against the position we have taken; for Alsa Sutherland, John D Sutherland. Duplin coundancing saloons; that New Bedford contributed they say, as only the principal persons in the Legislative Departments are excluded, I White, Cader Perry, John Black, Edgar L Hin-

is not the strength of the argument the

other way ?-for if in terms it is confined to the principal persons in the legislative department and in terms not confined to the principal persons in the other departments, but extends to "any"-all-why the difference in language unless there was

We are not called upon to explain why a difference was made, nor do we know that we can give the true reason, but quere, are there any officers in the Legislative department? The members, the principal persons, are not officers. There are not many persons connected with this department except the members : and the few that are, even, is prescribed for them in the Rev. its performance by mandamus, and leave as we know, nor are we aware that it is usual for them to take any oath at all .-But in the other departments all officers Calendar. ranto. The solemn act of administering are required to take an oath of office, and an oath and inducting into office may not also an oath to support the Constitution of committee on Townships, concerning be merely ministerial. But if it were, the the State, and of the United States; and Townships-legalizing the reports of town court will not compel them to do wrong, all mere placemen are required to take an ships from the several counties, and makoath of office, or an oath to perform the ing provision for the election of trusters

In the discussion at the Bar, the question was considered as if it depended upon whether the officer might not be ministerial; and in that sense neither Executive sideration when the Senate adjourned on hold office in this State." Acts of 1868, nor Judicial. That learning is useful the 4th. when we are considering the questions of the duties and liabilities of officers, but it ferent sections, to report which would be does not help us here, for though he be unintelligible to the reader without having ministerial only, yet he is ministerial either the bill before him. The bill, when perin the Executive or Judicial departments, feeted, will be published in the Sentinel. and his being such and taking an oath to The bill is lengthy, having one hundred support the Constitutions, excludes him from office. The oath to support the Constitutions is the test. The idea being that one previously taken an oath as a member of who had taken an oath to support the Constitutions and violated it, ought to be excluded from taking it again, until re- an unintelligible form-and take up the lieved by Congress.

Some confusion was caused in the public and in the professional mind, by reason. that the Attorney General of the United States was called upon for an opinion, and Education. it was published, as he says, before he had matured it: In that opinion 24th May, 1867, it was intimated that only the principal State officers, and not the county make provision for free public schools. officers, might be excluded; but on the The Constitution does not create public 12th June, 1867, he published his con-schools sidered opinion, and in that he says :

"12. All the executive or judicial officers of any State, who took an oath to support the Constitution of the United States, are from Craven, that the General Assembly subject to disqualification, and in these I include county officers, as to whom I make a reservation in the opinion heretofore given. After full consideration, I have ar- promptly. ject to disqualification, if they were re- tified at the position occupied by Mr. quired to take, as a part of their official Welker, and proceeded to discuss the oath, the oath to support the Constitution of

"13. Persons who exercised mere agencies, or employments under State authori- ble violation of the sworn obligations of ty, are not disqualified ;—such as commis- Senators. sioners to lay out roads, commissioners of public works, visitors of State Institutions, directors of State Boards, or other State institutions, notaries public, commissioners to take the acknowledgment of deeds, and

There is error in the order for the peremptory mandamus. Petition dismissed with costs.

READE, J. Note.—The Chief Justice concurs in regard to the disqualification of the sheriff but not as to county attorney.

STATE NEWS

An entire barn of tobacco belonging to Mrs. Richmond, of Caswell county, was navs 13. stolen a few nights since.

In an altercation yesterday between Beverly Watkins and Dabney Lewis, both colored, Watkins stabbed Lewis in the jaw with a knife, producing a severe wound .--He then fled to parts unknown.

Henderson Index. Infanticide. - Just as our last issue went ted for such as hold any office of trust or to press, the account of a most cruel and

According to the verdict of the Coroner's reading and passed. jury, which investigated the affair, it seems oath to discharge the duties, is not neces- that a negro boy living near Mr. Samuel Bobbitt's, went out one evening for the purpose of chopping wood, and that while | Tuesday next. Agreed to. 1. First is the sheriff an officer? An so engaged his dog attracted his attention office is a right to exercise a public or pri- by very intently scratching in the hollow act or resolution shall be printed unless by vate employment, and to take the fees and of an old decayed stump. On examination, direction of the two Houses. emoluments, in which one has a property, the boy discovered the foot and ankle of and to which there are annexed duties, and an infant, which had been exposed by the Clerks of Superior Courts making their

the Constitutions of the State and of the He immediately gave notice to some one on the table. United States. I do not know how better living in the neighborhood, who made the to draw the distinction between an officer fact known to the authorities in town, and a mere placeman than by making his when Coroner Cook, with a jury, visited oath the test. Every officer is required to the place, accompanied by Dr. J. H. Cook, take, not only an oath of office, but an oath | who decided that the death of the infant | Senate last night, and did not record his longer behind his hitherto impenetrable Texas will be counted among the States for derstood as favoring the native rather than Gen. Grant for giving us one in which that to support the Constitution of the State ensued from a large gash across the top of vote on the 15th amendment, and asked and the United States. Rev. Code, Chap. the cranium, which penetrated the brain. leave to do so now. He voted in the affirma-Oaths. Whereas every mere placeman, is On evidence adduced, a woman living a tive. simply required to take an oath to per- short distance from where the child was The Senate then adjourned until to-morform the particular duty required of him found, was arrested and lodged in the row morning, 9 o'clock and 50 minutes. Warrenton Living Present.

> THE WAY THE MONEY GOES .- The very legislators of this much afflicted State. 2. Does the sheriff's office require him to took a recess after Friday morning's session

who shall be chosen or appointed to hold night except Saturday. But that the Wiz-In a brief interview with Mr. Seward any office of trust or profit in the State, zard might be honored by their presence this afternoon our reporter was desirous shall, before taking his seat, or entering they first consume much time in the grave of obtaining an expression of his opinion upon the discharge of the duties of the and highly important discussion of—"Shall in regard to the new Cabinet and other office, take and subscribe the following all the hands go to the show?" and second- him in a false light before the people he public matters of interest. He declined, oath," &c. Rev. Code, Chap. Oaths. Then ly, they deliberately violate their own rule represented. On that evening he left his however, to express them. He said: "I follows the oath to support the Constitution order to gratify their over-weening loud- boarding house at the usual time, and The following are the officers in North ed to draw "an elephant" or some other he had met at the door) were asked by the sed a very favorable opinion of General Carolina who are required to take an oath valuable. It matters but little how much Doorkeeper to appear before the bar of the to support the Constitution of the State it cost the State, if they can only "see the Honse, and after sundry ridiculous motions show," and get a chance at the lottery. Ral. Sentinel 8th.

was represented at the Inauguration Ball. Entry Taker, Governor, Inspector of flour Among the most elegant toilets described and tobacco, &c., Judge of the Supreme are those of the following ladies from calico balls, "nor escorted the girls about Warren county: Mrs. General Green, of North Carolina,

ger, Register, Secretary of State, Sheriff, | wore a heavy black silk brocaded with Standard Keeper, Stray Valuers, Surveyor gold, head dress to match, and diamonds. Miss Addie Burr, niece of Mrs. General The foregoing is taken from the Revised Green, wore a pink silk with a brocaded Code, Chap. Oaths, and to them may be pannier of the same shade, low corsage, short sleeves, hair in puffs and crimpsdiamond jewelry.

Miss Alston, of North Carolina, was attired in white with pannier of green silk, low bodice trimmed to match, hair dressed in puffs and curls with pink rosebudsdiamond earrings.

DISCHARGES IN BANKRUPTCY. - We are in- as a Representative of his people. debted to His Honor Judge Brooks, of the District Court of the United States for the (2.) Voluntarily aiding the rebellion by following list of bankrupts discharged

John Cox, Josiah Gammon, James H Bell, Siful or necessary in the Confederate service. meon Noe, John Bell, David Fentress, Wm F By Mr. Grier : A bill to incorporate the

Raleigh Standard.

From the Raleigh Senticel. LEGISLATURE OF NORTH CAROLINA

SENATE.

FRIDAY, March 5, 1869. Senator from Guilford, from special committee on Physicians, reported back petition from that profession, unfavorably. Also, a report of the sale of the State's interest in public works, which was read The report recommends a sale upon certain conditions.

The bill for the relief of the Sheriff of New Hanover county, under a suspension of the rules, passed its several readings House bill, supplementary to an act, incorporating the Green Swamp Co., was read first time.

The Senator from Robeson moved a suspension of the rules, to have the bill read second and third times, which was not agreed to, and the bill was placed on the Mr. Barrow introduced a bill from the

of townships.

SPECIAL ORDER.

The school bill was considered by sections-the 78th section being under con-

|Various amendments were made to difand fifty-one sections. Pending the consideration of this bill

Mr. Welker moved an indefinite postpone ment of the bill, as it was now, in his opinion, as also in the opinion of Mr. Love, in old plan of Common Schools.

The Senator from Jones also favored its indefinite postponement, and that the whole matter be referred to the Board of Mr. Sweet opposed the postponement,

the Constitution which he had sworn to support, made it obligatory on him to Mr. Robbins regretted the motion.

Time was unnecessarily consumed in such motions. He accorded with the Senator must create the schools-our duty demanded that a faithful discharge of this trust should be accomplished, and that Mr. Barrow was astonished and mor-

powers and requirements, as delegated by the Constitution. He said the motion was equivalent to nonaction, and a palpa-

Mr. Osborne also opposed the motion to postpone, in an earnest and argumentative appeal, to proceed with the bill. Senator from Robeson hoped the bill

would not be postponed. The yeas and nays were ordered and the motion did not prevait. The following is

Yeas-Messrs. Bellamy, Plythe, Colgrove, Har-rington, Lindsay, Love, Stephens, Welker and Winstead Nays-Messrs Barnes, Barrow, Beasley, Beaman, Brogden, Eaves, Eppes, colored, Forkner, Hayes, Hyman, colored, Lassiter, Long Melchor Osborne, Robbins, Scott, Shoffner, Smith and

Mr. Hayes moved to postpone the further consideration of the bill until Mon day morning, 11 o'clock, and demanded the yeas and nays, which resulted, yeas 14

Mr. Barrow moved to take up the bill restricting the jurisdiction of the Courts. The yeas and navs were demanded on that motion and resulted in the negative Mr. Welker introduced a bill to repeal

secs. 2 and 3 of an act to incorporate Medi cal Board of N. C. Mr. Brogden introduced a bill in rela tion to punishment.

The bill for the preservation of the

public health was taken up on its third Bill to amend the Code of Civil Procedure, defining fees, was read a third time Mr. Osborne moved to postpone until Mr. Love: A resolution that no ratified

An act in reference to the deputies of acts valid -- was read second time and laid

The bill in regard to witnesses in civil actions--read second time and rejected. Mr. Osborne arose to a personal privilege. He was necessarily absent from the

HOUSE OF REPRESENTATIVES. FRIDAY, March 5, 1869.

On account of the sickness of the Clerk, the reading of the Journal of yesterday Mr. Robinson arose to a question of priv ilege. He felt that the proceedings of the House on Wednesday evening last, as re ported in the Sentinel of this morning, did

him great injustice and calculated to place five minutes after the House was called to one for every ten or twenty tickets sold- order, and found the door locked. When and perhaps some of "the hands" expect- the door was opened he with others (who made by the members assembled, they were released. Now he desired to say that the grave charges made on that even INAUGURATION BALL.-North Carolina ing by the member from Caldwell, (Mr. Malone) did not apply to him, as he neith er "lounged about bar rooms," went to generally." He had never been absent a single day from the sessions of the House and desired that constituents should know the truth as he had stated.

Mr. Argo arose to a question of privi lege. He stated in substance what Mr. Robinson had said in regard to arriving at the door a few minutes after the House was called to order, &c. He had since learned that the clock had been put up in order that the House might be called to order and adjourn before a quorum could be got together. He did not wish it to go abroad that he in any way ever shirked his duty

On motion of Mr. Bowman, the rules were suspended and the Senate resolution raising a Joint committee to report a bill for the relief of the people, was taken up

operations of Title 12. Code of Civil Pro-

By the the same, a bill to extend the operations of Title 21, Code of Civil Procedure. Referred. By the same a bill to relieve against laws

of negotiable promissory notes or bills of exchange. Referred.

By Mr. French : A bill to amend the